

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL

-----X  
THE WET SEAL, INC.,

Opposition No. 91157022

Opposer,

vs.

FD MANAGEMENT, INC.,

Applicant.



08-05-2003

U.S. Patent & TMO/tc/TM Mail Rcpt Dt. #22

-----X  
Assistant Honorable Commissioner of Patents and Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, FD Management, Inc. ("Applicant"), by its attorneys, McCarter & English, LLP, answers the Notice of Opposition as follows:

1. In response to the allegations of paragraph 1 of the Notice of Opposition, Applicant denies that it is the Owner of Application Serial No. 76/732,550. Applicant admits, however, that it is the owner of Application Serial No. 76/372,550.

2. In response to the allegations of paragraph 2 of the Notice of Opposition, Applicant admits that the date of filing its intent-to-use application is February 5, 2002; and lacks sufficient information and belief as to the rest of the allegations and on that basis denies them.

3. Applicant denies the allegations of paragraphs 3, 4, 5 and 6.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed and that Applicant be awarded Registration as sought.

10  
9  
8  
7  
6  
5  
4  
3  
2  
1

McCARTER & ENGLISH, LLP

By:

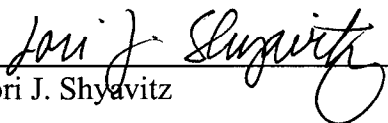
CERTIFICATE OF MAILING

"Express Mail" mailing label number: EU590428669US

Date of Deposit: August 5, 2003

I hereby certify that the foregoing Answer to Notice of Opposition to Application Serial No. 76/372,550 is being deposited with the United States Postal Service "Express Class Mail to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above, addressed to: BOX TTAB – NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, and is being served via First Class Mail on counsel for Opposer The Wet Seal, Inc. at the following address:

John M. Cone, Esq.  
Akin Gump Strauss Hauer & Field, LLP  
1700 Pacific Avenue, Suite 4100  
P.O. Box 688  
Dallas, Texas 75201

  
Lori J. Shyavitz

Dated: August 5, 2003

Gary H. Fechter

212 609-6823

Fax 212 935-1304

gfechter@mccarter.com

McCarter & English, LLP  
300 Park Avenue  
New York, NY 10022-7402  
212.609.6800  
fax 212.609.6921  
www.mccarter.com



August 5, 2003

**VIA EXPRESS MAIL**

Box TTAB- No Fee  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513



08-05-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Re: The Wet Seal, Inc. v. FD Management, Inc.  
Opposition No. 91157022

Dear Sir/Madam:

We enclose for filing an original and two (2) copies of Applicant's Answer to Notice of Opposition in this matter.

Please indicate receipt of this Answer by stamping the enclosed pre-paid postage postcard, and returning it to us.

Very truly yours,

Gary H. Fechter

Enc.  
GHF:rm